

REMARKS

Applicant has cancelled claim 1 without prejudice or disclaimer. By this amendment, Applicant has added new claims 2 through 22. No new subject matter has been introduced in making any of these amendments. The claims are fully supported by the description and figures as originally filed.

New claims 2-3 are supported throughout the description and drawings as originally filed, for example, Figure 2; page 7, lines 5-20; page 10, lines 25-27; and page 11, lines 9-11, and page 11, line 12.

New claims 4 through 5 are fully supported throughout the description and drawings as originally filed, for example, Figure 2.

New claim 6 is fully supported throughout the disclosure and drawings as originally filed, for example, Figure 2 and page 7, line 28.

New claim 7 is supported throughout the disclosure and drawings as originally filed, for example, page 7, line 22, and page 11, line 12.

New claim 8 is supported throughout the disclosure and figures as originally filed, for example, page 7, lines 23-24.

New claims 9-11 are supported throughout the description and figures as originally filed, for example, page 7, line 28-page 8, line 14 and page 10, lines 1-3.

Support for new claim 12 may be found throughout the description and figures as originally filed, for example, beginning page 9, line 9.

New claim 13 is supported throughout the description and figures as originally filed, for example page 10, line 10 and Figure 2.

New claim 14 is supported throughout the description and figures as originally filed, for example, page 9, lines 17-18.

New claim 15 is fully supported throughout the description and figures as originally filed, for example, page 9, line 19.

New claim 16 is supported throughout the description and figures as originally filed, for example, the figures of the instant application (see in particular Figure 2).

New claim 17 is fully supported throughout the description and figures as originally filed for example, page 7, line 9; Figure 2; and page 12, lines 12-13.

New claims 18 and 19 are also supported throughout the description and figures as originally filed, for example, Figure 2 and page 4, beginning line 26.

New claim 20 is fully supported throughout the description and figures as originally filed, for example, page 12, beginning line 22.

New claim 21 is supported throughout the description and examples as originally filed, for example, page 13, lines 16-22.

New claim 22 is supported throughout the description and examples as originally filed, for example, page 7, lines 7-9.

Claim Rejections – 35 U.S.C. § 112

The Examiner has objected to original claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out what is included or excluded by the claim language. Applicant has cancelled original claim 1 from the instant application. Applicant submits that newly added claims 2 through 22 comply with 35 U.S.C. § 112 and distinctly point out what is included or excluded by the claim language.

Claim Rejections – 35 U.S.C. § 102

The Examiner has objected to claim 1 under 35 U.S.C. § 102(e) alleging that said claim is anticipated by Rapps (U.S. 7,082,207 B2). Applicant disagrees and traverses the rejection based on the amended claim set submitted herewith.

New claim 2 of the instant application claims a headset apparatus comprising at least first and second speakers each speaker having a speaker chamber extending posteriorly thereto. This subject matter is neither taught nor suggested by Rapps. Further, claim 2 employs first and second tubes connected to the first and second speakers, the first tubes having first and second outlets for positioning adjacent a user ear. The subject matter associated with the first and second tubes and their outlets is neither taught nor suggested by Rapps. Accordingly, Applicant submits that amended claim 2 is not anticipated or obvious in view of Rapps. Further, as claims 3 through 21 depend on claim 2, Applicant submits that the subject matter of said claims is neither taught nor suggested by Rapps. Similarly, the subject matter of independent claim 22 is neither taught nor suggested by Rapps. Applicant respectfully requests reconsideration and withdrawal of the rejection.

Applicant has submitted herewith the fee for an additional dependent claim. Thus, no additional fees are believed to be due for the filing of this Amendment. In the event that the Office determines that fees are due, the Office is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 18-1215.

In view of the foregoing, it is respectfully urged that the present claims are in condition for allowance and reconsideration is requested. An early notice to this effect is earnestly solicited. Should there be any questions regarding this application, the Examiner is invited to contact the undersigned at the number shown below.

Respectfully submitted,

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